

**Proctor & Gamble Company Amended Exhibit Log**

**The Proctor & Gamble Company v. Ultreo, Inc.**  
**Preliminary Injunction Hearing**  
**07-Civ-8379 (RJS)**

| <b>Plaintiff's Exhibit</b> | <b>Description</b>  |
|----------------------------|---|
| 1                          | Affidavit of Wayne Randall, signed October 18, 2007 and corresponding exhibits  |
| 2                          | Affidavit of Aaron Biesbrock, signed October 10, 2007 and corresponding exhibits  |
| 3                          | Declaration of Thomas D. Dupont, signed October 9, 2007 and corresponding exhibit   |
| 4                          | Expert Report of Robert J. Genco, D.D.S., Ph.D, signed November 24, 2007 and corresponding exhibits   |
| 5                          | Expert Report of Aaron Biesbrock, D.M.D., Ph.D., signed November 27, 2007 and corresponding exhibits  |
| 6                          | Supplemental Declaration of Wayne D. Randall, signed December 12, 2007  |
| 7                          | Supplemental Declaration of Aaron Biesbrock, D.M.D., Ph.D, signed December 12, 2007 and corresponding exhibits  |
| 8                          | Rebuttal Declaration of Thomas D. Dupont, Ph.D., signed December 11, 2007   |
| 9                          | Coulter Renken, Oral Care Toothbrush Study Introduction of Ultreo, 2007, provided as Exhibit P to the Affidavit of Wayne Randall, signed October 18, 2007                         |
| 10                         | July 2007 Memo to Erik Christensen from IPSOS Understanding Unlimited, Marked as Randall Deposition Ex. 19  |
| 11                         | Memo from Erik Christensen Re: Snapshot of BASES Concept Test-Ultreo Marked as Randall Deposition Ex. 17  |
| 12                         | Powerpoint Presentation from Erik Christensen "Ultreo Competitive Analysis"<br>Marked as Randall Deposition Ex. 20  |
| 13                         | Biesbrock Study Results and Protocol, provided as Exhibit P to the Affidavit of Aaron Biesbrock, signed October 10, 2007  |
| 14                         | Chart: Ultreo's Studies to Evaluate the Effectiveness of the Ultrasound Feature of the Ultreo Toothbrush, Attached as Appendix A to P&G's Findings of Fact and Conclusions of Law |
| 15                         | Chart of Ultreo's Advertising Claims, Attached as Appendix B to P&G's Findings of Fact and Conclusions of Law   |
| 16                         | Research and Development Plan<br>ULTREO_00000481-498  |
| 17                         | Grant Application "Rapid Plaque Removal by a Sonic & Ultrasonic Toothbrush" Phase I<br>ULTREO_00021456-510  |

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|----------------------------|---|
| 18                         | Grant Application "Rapid Plaque Removal by a Sonic & Ultrasonic Toothbrush" Phase II<br>ULTREO_00000136-282   |
| 19                         | March 5, 2007 Email from Chris McInnes to Jerry Brewer, Pierre Mourad Attaching Grant Progress Report and Grant Progress Report<br>ULTREO_0025346-355 |
| 20                         | September 16, 2005 Letter to Dr. Susan Runner from J.J. Gallagher<br>ULTREO_00011724-728  |
| 21                         | Investor Presentation May 2006<br>ULTREO_00009568-9607  |
| 22                         | November 24, 2004 Email from Jack Gallagher to Jerry Brewer, Re: Team Meeting Agenda<br>ULTREO_00009656-657   |
| 23                         | August 17, 2005 Research Update, Board of Directors Meeting<br>ULTREO_00000361  |
| 24                         | December 19, 2005 Email from Jack Gallagher to John Tubbs, Re: 90% Prototype Milestone Definition<br>ULTREO_00009371-376                              |
| 25                         | March 28, 2006 Email from Jack Gallagher to John Tubbs, Re: FW: Transducer Impedance Matching Issues<br>ULTREO_00012609-612                           |
| 26                         | April 18, 2006 Email from Daniel Bayeh to Jerry Brewer, Subject: "Ultrasound and sonic drive interaction"<br>ULTREO_00009288                          |
| 27                         | May 3, 2006 Email from Jerry Brewer to Craigmail@aol.com, Re: Summary of Recent Work<br>ULTREO_00009314-315   |
| 28                         | November 21, 2006 Email from Jack Gallagher to All SAP Staff Subject: "Team Meeting Minutes-November 22"<br>ULTREO_00031644-645                       |
| 29                         | March 23, 2007 Email from George Barrett to Sharen Ross and others, Re: Ultrasonic Bath<br>ULTREO_00030003-004  |
| 30                         | August 24, 2006 Project Brief "Consumer IHUT #2"<br>ULTREO_00012581-582   |
| 31                         | February 2006 Second Act Partners "Professional Marketing Plan"<br>ULTREO_00011145-158  |

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|----------------------------|---|
| 32                         | February 10, 2005 "Development Activities"<br>ULTREO_00010278-280   |
| 33                         | November 24, 2004 "Husky Project Progress Report" By Jerry Brewer & Chris McInnes<br>ULTREO_00021001-003  |
| 34                         | Ultreo Powerpoint Presentation<br>ULTREO_00009945-75  |
| 35                         | June 29, 2007 Email from Marc Levy to Sharen Ross, Jack Gallagher, Fw: July Professional Advertising Publicity<br>ULTREO_00031897-899                 |
| 36                         | July 16, 2007 Email from Sharen Ross to Britt Marshall, Subject: Notes on Pod 1,<br>ULTREO_00016657   |
| 37                         | April 25, 2007 Email from Sharen Ross to Jack Gallagher, Subject: "Ultreo E-Edu"<br>ULTREO_00015279-15289   |
| 38                         | May 4, 2007 Email from Diana Saldana to Jeri Starrett, Sharen Ross, Subject: "ULTREO EEDU"<br>ULTREO_00015268-15278                                   |
| 39                         | May 8, 2007 Email from Dian Melius to Sharen Ross, Jeri Starrett, Subject: "Ultreo CB"<br>ULTREO_00015254-25267                                       |
| 40                         | April 2007 "Sales Training"<br>ULTREO_00029737-782  |
| 41                         | Ultreo Powerpoint Presentation<br>ULTREO_00022077-140   |
| 42                         | February 14, 2007 Email from Sharen Ross to Jeri Starrett, Subject: "The Ultimate Pitch"<br>ULTREO_00015400-412                                       |
| 43                         | March 14, 2007 Email from Chris McInnes to Jack Gallagher, "FW: Another Question" and Attachments "Talking Points" "Responses"<br>ULTREO_00026987-994 |
| 44                         | June 2006 Second Act Partners "Ultreo: Exclusive Preview" "ADHA Meeting"<br>ULTREO_00023447-23478   |
| 45                         | July 13, 2006 "Exclusive Preview Reception"<br>ULTREO_00029644-683  |

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|----------------------------|--|
| 46                         | Ultreo Form Letters to Magazine Editors<br>ULTREO_00023586-90  |
| 47                         | December 2007/January 2007 MetroSource Magazine from Ultreo Website  |
| 48                         | February 14, 2007 Email From Jeri Starrett to Sharen Ross Forwarding "Ultreo Promo Materials" email<br>ULTREO_0015835-836                  |
| 49                         | March 5, 2007 Email from Katherine Ortblad to Jeri Starrett, Subject: "Jeri Starrett Interview"<br>ULTREO_00013634-637                     |
| 50                         | May 2007 Hygienetown.com Article "Brush, with Greatness," provided as Exhibit G to the Affidavit of Wayne Randall, signed October 18, 2007 |
| 51                         | August 25, Email from Sharen Ross to Peter Ellman, Re: Sharper Image Catalog Copy<br>ULTREO_00032616-619                                   |
| 52                         | August 27, 2007 Email from Peter Ellman to Sharen Ross, Paul Nunnari, RE: UT400-Catalog Copy<br>ULTREO_00016368-370                        |
| 53                         | September 21, 2007 Email from Peter Ellman to Sharen Ross, Subject: "In Vivo Claims"<br>ULTREO_00022587                                    |
| 54                         | September 22, 2007 Email from Peter Ellman to Jack Gallagher, FW: UT400-Catalog Copy<br>ULTREO_00022542-544                                |
| 55                         | September 23, 2007 Email from Jack Gallagher to Peter Ellman, Re: UT400 Catalog Copy<br>ULTREO_00032675-676                                |
| 56                         | August 24, 2007 Email from Elaine Barnes to Jack Gallagher, Re: Ultreo Proof, ULTREO_00030112-14   |
| 57                         | Late Autumn 2007 Frontgate Catalog Ultreo Advertisement, provided as Exhibit N to the Affidavit of Wayne Randall, signed October 18, 2007  |
| 58                         | September 26, 2007 Email from Jack Gallagher to Sharen Ross, Re: Frontgate.com-Edits Needed<br>ULTREO_00030133                             |
| 59                         | SkyMall Ultreo Advertisement, provided as Exhibit O to the Affidavit of Wayne Randall, signed October 18, 2007                             |
| 60                         | Ultreo Print Advertisement, provided as Exhibit C to the Affidavit of Wayne Randall, signed October 18, 2007                               |
| 61                         | Ultreo Print Advertisement, provided as Exhibit D to the Affidavit of Wayne Randall, signed October 18, 2007                               |

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| 62                         | Ultreo Print Advertisement, provided as Exhibit E to the Affidavit of Wayne Randall, signed October 18, 2007   |
| 63                         | Ultreo Print Advertisement, provided as Exhibit F to the Affidavit of Wayne Randall, signed October 18, 2007   |
| 64                         | August 22, 2007 Email from Britt Marshall to Sharen Ross "Ultreo Full Script for your Review"<br>ULTREO_00016097-134   |
| 65                         | Ultreo Patient Brochure<br>ULTREO_00015420-21  |
| 66                         | Version of Ultreo's Website, provided as Exhibit J to the Affidavit of Wayne Randall, signed October 18, 2007  |
| 67                         | Version of Ultreo's Website, provided as Exhibit K to the Affidavit of Wayne Randall, signed October 18, 2007  |
| 68                         | Version of Ultreo's Website, provided as Exhibit L to the Affidavit of Wayne Randall, signed October 18, 2007  |
| 69                         | Ultreo Owner's Manual, provided as Exhibit M to the Affidavit of Wayne Randall, signed October 18, 2007  |
| 70                         | Version of Ultreo's Packaging, provided as Exhibit H to the Affidavit of Wayne Randall, signed October 18, 2007  |
| 71                         | Version of Ultreo's Packaging, provided as Exhibit I to the Affidavit of Wayne Randall, signed October 18, 2007  |
| 72                         | Version of Ultreo's Packaging, PG007024-7029   |
| 73                         | Version of Ultreo's Packaging, Marked as Gallagher Deposition Ex. 4  |
| 74                         | Ultreo advertising "slicks", Marked as Gallagher Deposition Ex. 27   |
| 75                         | September 27, 2007 COMPANY STATEMENT "Ultreo, Inc. Responds to Procter & Gamble Complaint", provided as Exhibit R to the Affidavit of Wayne Randall, signed October 18, 2007                                       |
| 76                         | September 28, 2007 GEN Breaking News "Ultreo, Inc. Granted U.S. Patent for Ultrasonic Toothbrush Employing an Acoustic Waveguide" provided as Exhibit A to the Affidavit of Wayne Randall, signed October 18, 2007 |
| 77                         | May 3, 2007 Seattle Times "Redmond's Ultreo Prepares launch of Ultrasound Toothbrush" provided as Exhibit B to the Affidavit of Wayne Randall, signed October 18, 2007   |
| 78                         | Recommendations for Ultreo from Amazon.com, provided as Exhibit Q to the Affidavit of Wayne Randall, signed October 18, 2007   |
| 79                         | September 10, 2007 Email from Brian Chee to Jack Gallagher Re: Information<br>ULTREO_00022729-31   |

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|----------------------------|---|
| 80                         | February 15, 2005 Email from Jack Gallagher to Mitchell Hymowitz and others "Minutes of February 15, Meeting-Privileged _Confidential"<br>ULTREO_00026057 |
| 81                         | May 18, 2005 Research Update<br>ULTREO_00012590-592   |
| 82                         | May 16, 2005 Chart "Forward Looking Issues for 80% Prototype"<br>ULTREO_00000359-60   |
| 83                         | Fourth Quarter 2006 Shareholder's Report-Draft Text<br>ULTREO_00012685  |
| 84                         | January 31, 2006 Memo From Jack Gallagher to Ultreo Shareholders, Subject: Fourth Quarter 2006 Report<br>ULTREO_00009608-612                              |
| 85                         | April 26, 2007 Email from Chris McInnes to Jack Gallagher RE: A Longer-lasting clean?<br>ULTREO_00027143-144  |
| 86                         | August 15, 2005 Email from Chris McInnes to Jack Gallagher, Subject: "Board Material"<br>ULTREO_00009635-641  |
| 87                         | December 12, 2006 WIRB Certificate of Approval<br>ULTREO_00030326-327   |
| 88                         | Chart Entitled "Research Overview"<br>ULTREO_00010269-75  |
| 89                         | January 21, 2007 Email from Mike Rethman to Chris McInnes, Re: Study Design<br>ULTREO_00027027-028  |
| 90                         | Claim Substantiation Document, Claim No. 203 DRAFT<br>ULTREO_00018951-955   |
| 91                         | Claim Substantiation Document, Claim No. 203<br>ULTREO_00012715-720   |
| 92                         | Claim Substantiation Document, Claim No. 203<br>ULTREO_00016871-877   |
| 93                         | Claim Substantiation Document, Claim No. 204<br>ULTREO_00016878-883   |
| 94                         | Claim Substantiation Document, Claim No. 703<br>ULTREO_00016925-926   |
| 95                         | October 26, 2006 Research Update<br>ULTREO_00012666-667   |

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| 96                         | March 5, 2007 Email from Katherine Ortblad to Marty Lepore and Others, Subject: "Product need for external clinical studies"<br>ULTREO_00031274-276                     |
| 97                         | July 26, 2006 Board of Directors Meeting Presentation<br>ULTREO_00029684-696  |
| 98                         | October 5, 2004 Email from Pierre Mourad to Jack Gallagher and others, RE: Minutes of October 5 Meeting<br>ULTREO_00009382-83   |
| 99                         | January 11, 2005 Email from Katherine Ortblad to clientservices@wirb.com, Letter and Attachments to Review Committee<br>ULTREO_00028291-308                             |
| 100                        | January 4, 2005 Protocol: "A Novel Prototype Powered Toothbrush Optimization Study for Measuring Plaque Removal, Gingival Health, and Safety"<br>ULTREO_00028309-337    |
| 101                        | September 24, 2007 Protocol: "A Novel Prototype Powered Toothbrush Optimization Study for Measuring Plaque Removal, Gingival Health, and Safety"<br>ULTREO_00028259-289 |
| 102                        | May 2, 2006 Technical Memorandum: "Report, TM 0005, Initial Clinical Interproximal Sampling July 2005"<br>ULTREO_00020659-663   |
| 103                        | December 29, 2005 Technical Memorandum: TM-0006 "Clinical Efficacy Evaluation—December, 2005"<br>ULTREO_00020672-675  |
| 104                        | June 15, 2006 Technical Memorandum: TM-0012 "PL018-Clinical Efficacy of SAP Prototype toothbrush after 2 hours time"<br>ULTREO_00016813-815                             |
| 105                        | June 15, 2006 Email from Jerry Brewer to Chris McInnes and others, RE: __<br>ULTREO_00009316-21   |
| 106                        | June 20, 2006 Technical Memorandum: TM-0013 "Study #: PL107-Deep Cleaning Ability and Safety of a New Prototype Toothbrush"<br>ULTREO_00016816-821                      |
| 107                        | June 22, 2006 Technical Memorandum: TM-00014 "Effects of 90% Prototype Options on Ability to Remove Dental Plaque Biofilm"<br>ULTREO_00021449-455                       |
| 108                        | Abstract from Ultreo's website "Efficacy of Ultreo in Dental Plaque Removal" by Sharma, NC, et al.  |

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|----------------------------|---|
| 109                        | January 28, 2007 Statistical Report Second Act Partners Protocol No. SP0013<br>ULTREO_00027236-7328   |
| 110                        | Abstract from Ultreo's website "Efficacy and Safety of Ultreo in a Population with Mild to Moderate Gingivitis" by Goyal CR, et al.                                   |
| 111                        | November 20, 2006 Email from Chris McInnes to Jack Gallagher, RE: Claims Substantiation<br>ULTREO_00031823-824  |
| 112                        | Abstract from Ultreo's website "Assessing the Ability of the Ultreo to Remove Extrinsic Surface Stain from Teeth" by Goyal CR, et al.                                 |
| 113                        | Abstract from Ultreo's website "Comparison of the Ultreo to a Manual Toothbrush and Floss in Ability to Removal Dental Plaque" by Baltuck, C., et al.                 |
| 114                        | December 11, 2006 Email from Katherine Ortblad to Chris McInnes, Subject "PL022 Ip cleaning"<br>UTLREO_00013777-779   |
| 115                        | September 25, 2006 Study: "Deep Cleaning Ability and Safety of a New Prototype Toothbrush compared with 3 commercial toothbrushes"<br>ULTREO_00012788-798             |
| 116                        | September 25, 2006 Study: "Deep Cleaning Ability and Safety of a New Ultrasonic Powered Toothbrush"<br>ULTREO_000018734-745   |
| 117                        | Technical Memorandum: TM-0018 "Overall and interproximal plaque analysis after 2 weeks use of Ultreo or a manual toothbrush plus floss."<br>ULTREO_00018758-762       |
| 118                        | Technical Memorandum: TM-00018 "Overall and interproximal plaque analysis after 2 weeks use of Ultreo or a manual toothbrush plus floss."<br>ULTREO_00020687-691      |
| 119                        | February 28, 2007 "Report, TM 0018, "Overall and interproximal plaque analysis after 2 weeks use of Ultreo or a manual toothbrush plus floss."<br>ULTREO_00020676-681 |
| 120                        | Statistical Analysis<br>ULTREO_00025006-010   |
| 121                        | Abstract from Ultreo's website "Case Study-Evaluation of Probing Depth and Bleeding in an In-Office Setting" by Lee, VM, et al.                                       |
| 122                        | October 24, 2005 Study: "Efficacy of a Novel Prototype Power Toothbrush in Evaluation the Ability to Clean Deeper"<br>ULTREO_00030328-345                             |



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| 123                        | Article: "Ability of the Sonicare Electronic Toothbrush to Generate Dynamic Fluid Activity that Removes Bacteria"   |
| 124                        | Article: "Fimbria damage and removal of adherent bacteria after exposure to acoustic energy"  |
| 125                        | Article "Reduction in adherence of Actinomyces viscosus after exposure to low-frequency acoustic energy"  |
| 126                        | Article: "Evidence-Based Dentistry: What's New?" Int. J. Med Sci. 2007, 4, Marked at Berg Deposition Ex. 4  |
| 127                        | Ultreo Website and Ultreo News Articles   |
| 128                        | Ultreo Infommercial, ULTREO_00032752  |
| 128B                       | Ultreo Infommercial Transcript  |
| 129                        | June 26, 2006 Email from Chris McInnes to Katherine Ortblad, FW: Second Act Partners Gingivitis Study<br>ULTREO_00008176-79                               |
| 130                        | Defendant Ultreo, Inc.'s Responses and Objections to Plaintiff the Procter & Gamble Company's First Set of Requests for Admission dated December 14, 2007 |
| 131                        | December 5, 2006 Email from Sharen Ross to Jerri Starrett, FW Meeting Follow Up-Privileged Confidential<br>ULTREO_00031849-50                             |
| 132                        | Chart of Sales Numbers<br>ULTREO_00009161-63  |
| 133                        | Chart of Ultreo's Sales Figures (From Ultreo 9161-9163)   |
| 134                        | Print out of Techno News Website<br>"Ultreo Ultrasound Toothbrush is Not recommended"   |
| 135                        | "Toothbrush IHUT" by Cooper Roberts Research<br>Prepared for Ultreo, Inc. dated June 2007<br>ULTREO_00023132-162  |
| 136                        | Print from Philips Sonicare Website, dated 12/20/2007 with additions of links to Study Summaries  |
| 137                        | Litigation Services Handbook, Fourth Edition  |
| 138                        | August 29, 2007 Email from Sharen Ross to Ellen Landis<br>"New Pitch" with Attachment of Ultimate Pitch<br>ULTREO_00029987-30000                          |
| 139                        | Dissertation of James Christopher McInnes, "Low-Frequency acoustic energy, cavitation, and their effects on bacteria"                                     |

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| 140                        | Article entitled "The plaque-inhibiting capacity of 11 antibacterial compounds" J. Periodont. Res. 5:102-109, 1970   |
| 141                        | Article entitled "Adhesive analysis of voids in class II composite resin restorations at the axial and gingival cavity walls restored under <i>in vivo</i> versus <i>in vitro</i> conditions" Dental Materials, Vol. 23, Issue 7, July 2007, Pages 871-877 |
| 142                        | Article entitled "A study to assess the effects of a new detergent-free, olive oil formulation dentrifice in vitro and in vivo" Journal of Dentistry, Vol. 31, Issue 5, July 2003, Pages 327-332   |
| 143                        | Article entitled "Comparison of an oscillating/rotating electric toothbrush and a 'sonic' toothbrush in plaque-removing ability" J. Clin. Periodontal 1996:23:407-411  |
| 144                        | Presentation by Christine Lee & Peter Miller "The ABCs of Compliance: A protection Primer" from the Division of Advertising Practices, Federal Trade Commission  |
| 145                        | Study entitled "Evaluation of ultrasound as a means to remove Streptococcus mutans biofilm" by Frank Roberts, Beth Hacker, Teresa Oswald<br>ULTREO_00012908-916  |
| 146                        | Stedman's Medical Dictionary 26 <sup>th</sup> Edition, page 1788   |
| 147                        | Article entitled "Professionally applied topical fluoride: Evidence-based clinical recommendations" JADA, Vol. 137, 1151-59  |
| 148                        | Lunch N Learn Presentation, most recent<br>ULTREO_00032753-94  |
| 149                        | Study entitled "Clinical Evaluation of Plaque Removal Efficacy of the Ultreo toothbrush with and without the Ultrasound Transducer Enabled"<br>P-ULTREO_000020832094   |
| 150                        | Chart Entitled Summary of Work Product Investigations  |
| 151                        | Chart numbered P-ULTREO_00014384-14392   |
| 152                        | Preliminary Report of Internal Crossover Study Comparing Toothbrush with and without ultrasonic transducer turned on<br>P-ULTREO_00014317  |
| 153                        | Efficacy and Safety of the Ultrasound Component of the Ultreo Ultrasound Toothbrush<br>P-ULTREO-0013079  |
| 154                        | October 2, 2007 Email from Camille Baltuck to Marc Levy<br>P-ULTREO_00014454   |
| 155                        | October 2, 2007 Email from Camille Baltuck to Marc Levy<br>P-ULTREO_00014467   |

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|----------------------------|--|
| 156                        | October 11 2007 Email from Camille Baltuck to Marc Levy<br>P-ULTREO_00014480                         |
| 157                        | Ultreo Protocol (draft)-10/25/2007<br>P-ULTREO_00014422  |
| 158                        | Chart entitled Unit Sales Summary by Channel & Item  |
| 159                        | January 10, 2008 Email from Marc Levy to Lauri Sawyer "Unit sales data for 2007"                     |
| 160                        | January 10, 2007 Email from Marc Levy to Lauri Sawyer "RE: Unit sales data for 2007"                 |
| 161                        | Chart entitled "Claims to be Enjoined"   |
| 162                        | DVD Recording of the Sonicare Website Taken January 15, 2008   |
| 163                        | DVD Recording of the Sonicare Website Taken January 28, 2008   |
| 164                        | Second Supplemental Affidavit of Aaron Biesbrock, signed January 31, 2008 and corresponding exhibits |

**CERTIFICATE OF SERVICE**

The foregoing Proctor & Gamble Company Amended Exhibit Log was served on all counsel of record on February 1, 2008 by electronic mail through the Court's CM/ECF system.

/s/ Laura W. Sawyer